

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

1st ROCHDALE COOPERATIVE GROUP, LTD.

Debtor.

ROBERT L. GELTZER, as Chapter 7 Trustee for 1st
ROCHDALE COOPERATIVE GROUP, LTD.,

Plaintiff,

v.

GARY ALTMAN, RHODA BROWN, "JOHN DOE 1"
AS EXECUTOR OR ADMINISTRATOR OF THE
ESTATE OF GEORGE CRETHAN, SAUL
MILDWORM, JACK RASKIN, DAVID SMITH,
FRANCIS CONNOLLY and JOAN KRAMER AS
EXECUTORS OF THE ESTATE OF ALLEN
THURGOOD, EDWARD YAKER, GREGORY
WORTHAM and DAVID L. JOHNSON,

Defendants.

Bankruptcy Proceeding Chapter 7
Case No. 05-12086 (PCB)

07 CV 7852 (DC)

ECF Case

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jonathan D. Pressment, dated May 27, 2008, the exhibits annexed thereto, and the accompanying memorandum of law, defendants Francis Connolly and Joan Ramer, as co-executors of the Estate of Allen Thurgood, by their attorneys, Haynes and Boone LLP, will move before the Honorable Denny Chin, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a date to be determined as convenient by the Court, for an order:

1. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Counts Three and Four of the Complaint for failure to state a claim upon which relief may be granted; and

2. Granting defendants such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, papers in opposition to defendants' motion, if any, are required to be served upon the undersigned so as to be received no later than June 10, 2008.

Dated: May 27, 2008

HAYNES and BOONE, LLP
Attorneys for Defendants,
Francis Connolly and Joan Ramer, as
Executors of the Estate of Allen Thurgood

By 

Kenneth J. Rubinstein (KR-1410)
Jonathan D. Pressment (JP-1819)
April L. Neave (AN-3899)
153 East 53rd Street, Suite 4900
New York, New York 10022
(212) 659-4980

To: ECF Distribution List